



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

Office of the
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Mr. Frank A. McLellan
Hazardous Waste & Material Coordinator
Menominee Indian Tribe of Wisconsin
P.O. Box 910
Keshena, Wisconsin 54135-0910

DEC 5 1999

Dear Mr. McLellan:

This letter is written to correct an error in my April 13, 1999 letter to you. In that letter, I informed you that a logging contractor servicing the Menominee Indian Tribe would be required to use a specification tank for transporting a bulk quantity of diesel fuel. That is incorrect.

Based on its flashpoint, diesel fuel can be reclassified as a combustible liquid, thereby qualifying for the exceptions to the Hazardous Materials Regulations (HMR) provided in 49 C.F.R. § 173.150 (see the Hazardous Materials Table, Column 8A). That section provides, among other things, that a combustible liquid in a bulk packaging is not subject to the specification packaging provisions contained in the HMR.

However, § 173.150(f)(3) also states that the HMR requirements in the following areas do apply to combustible liquid shipments, including diesel fuel shipments:

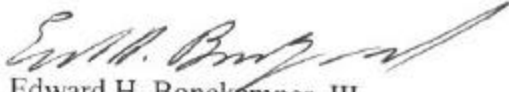
- (1) shipping paper, waybills, switching orders and hazardous waste manifests;
- (2) marking of packages;
- (3) display of identification numbers on bulk packagings;
- (4) placarding requirements of 49 C.F.R. § 172, Subpart F;
- (5) carriage aboard aircraft and vessels;
- (6) incident reporting as prescribed in 49 C.F.R. §§ 171.15 and 171.16; and
- (7) packaging requirements of 49 C.F.R. § 173, Subpart B.

There are additional requirements for non-bulk packaging of combustible liquids in § 173.150(f)(3), but they are not relevant to your inquiry.

In summary, a contractor servicing the Menominee Indian Tribe would not be required to use specification packaging to transport bulk quantities of diesel fuel. However, other requirements

of the HMR still apply. I apologize for the previous incorrect information, and I hope it has not caused you any inconvenience. If you have any questions, please contact Donna O'Berry of my staff at (202) 366-4400.

Sincerely,

A handwritten signature in black ink, appearing to read "E.H. Bonekemper, III". The signature is fluid and cursive, with a long, sweeping horizontal line extending to the right.

Edward H. Bonekemper, III
Assistant Chief Counsel for
Hazardous Materials Safety